

A G E N D A
MEDICAL MARIJUANA INITIATIVE
Meeting with Representatives of AGO, WAPA,
WASPC, DOH, UW and WSP
April 7, 1999

- I. Introductions.
- II. Three-fold involvement of AGO to date.
 - A. Client agency legal issues.
 - B. Western AGs – report on Lockyear and McAffery meetings.
 - C. Opinion request from Senator Kohl-Welles.
- III. Roundtable: issues or positions so far: WAPA, WASPC, WSP, DOH, and UW.
- IV. Input on AGO role.

4-7-99

Uniform form so l.e. will know what to look for

Pam 60 day supply

could it include medical waiver
photo on form

SARGs
Gamm
Lamp
Nest
Mac
Pat Brown

Alan
- 500 plants
- 50 lb finished product

Will ~~drug~~ be seized & returned?

What are liab. issues if seized? they have AD?

Still groups like Green Cross prn. to multiple patients?

Larry: Same problems.

Someone had letter from dr. but no ident.

Usually law isn't that ambiguous

Employ. issues - can police officers use

can they smoke on the job.

Ann: I ~~can~~ say don't have to make accommodation.

Meetings in May - guide to Sheriff

Pat: Copying med records wouldn't get into issue of phy pro. due to form.

Alan: Drug Task Forces: Concerns & growers
Issued policy 12/2

Burden on patient to dem. valid doc.

Have't been issues about non valid doc.

since.

Mac: doesn't know clinically

30 joints per month = 1 lb.

Pat: But joint doesn't = another.

what is
Legit 60 day supply - fed gov. should do

San Francisco U of Cal Inst - Admin arm of Smoked
marijuana - looking at ants. a yr. or 2 away

☆
If we do make
arrest a dist.
would not be
returned
due to concern
under fed
law

"60 day supply"

(*) fed. research study / 300 joints per month
600 joints - for 60 day supply

(*) UCSF - research study
- threshold re: level of potential therapeutic use
Mae will get this info.

DOH - very narrow responsibility under Ent. Matter

- ① - inquires re: Drs. abroad to provide pts w/ written authorization
- ② - how to get marijuana if recommended by Dr. ? - no legal means provided
- ③ - DEA prescriptive authority Drs. concerned
- ④ - documentation in med. record vs. separate form

NAAG notes from 4/7/99 - Or. mpta
mtg. *Med. Marijuana

- McCaffrey & Reno
- will prosecute
 - won't reschedule marijuana

Cal. AG - has lead role
amongst 4 AGs which met
w/ the fed. representatives

- fed. govt. - ability to yank
DEA license of
Dr. that overslews authorization
of marijuana

- Sen. Jean Kohles.

↳ 3/18/99 letter back to her
suggesting a specific question
for a formal AGO

WAPA - sent a letter to the
state medical association

- voluntary state registration of
approved med. mar. pts.

WA. State Patrol - policy
regarding how stops
will be handled.
This WSP policy will publish

- med. mar. permission/
authorization stmt.

some
prosecutors
★ → only limited to an
"affirmative defense" -
won't prevent active &
aggressive prosecution
★ →

Board of Pharm. -
can't reclassify mar. from
Sch. I → Sch. 2

- Form - (NO definition - 60 days supplied on face of form)
- Duration of authorization
- Revocation "

- voluntary central registry?
NORE - bad idea.

WAPA
DOH
WSMA
ACLU
Judges' Assoc.

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On March 27, 2007 a committee comprised of representatives from Justice Assistance Grant funded narcotics task forces, the Northwest High Intensity Drug Trafficking Area, the Washington Association of Prosecuting Attorneys, and the Department of Community, Trade and Economic Development met to discuss how task forces might respond to recent public complaints of inconsistent (or non-existent) application of the Medical Marijuana statute, RCW 69.51A.

After lengthy discussion, the committee agreed that there was merit to the complaints, but any inconsistency in enforcement was because of the vagueness in the law regarding the "60-day supply" of marijuana, which the statute allows patients to possess. Neither patients nor police officers have clear guidance. Only two of the agencies represented had written policies to guide officers when encountering situations wherein people found in possession of marijuana assert a medical exception. As a result of passage of Senate Bill 6032 during the 2007 legislative session, the Department of Health has been directed to make rules clarifying state law on the subject. However, those rules may not be in effect until mid-2008.

It was agreed that the following suggested, interim policy provides a clear and uniform enforcement protocol for medical marijuana situations likely to be encountered by officers:

Definitions

- Mature Marijuana Plant:** A marijuana plant that, regardless of size, has visible flowers or buds.
- Immature Marijuana Plant:** A marijuana plant that, regardless of size, has a visible root, but has not developed flowers or buds.
- Usable Marijuana:** The dried leaves and/or buds of the mature marijuana plant, not to include stalks, seeds, or roots.
- Sixty-Day Supply:** The total amount of marijuana that a qualifying medical marijuana patient would reasonably be expected to need over a period of sixty days for their personal medical use. If both the patient and designated provider possess marijuana intended for medical use by the patient, the combined amount may not exceed the sixty-day supply, which is:
- No more than 3 ounces of usable marijuana, and
 - No more than 3 mature marijuana plants, and
 - No more than 6 immature marijuana plants

Suggested Enforcement Response

1. For those situations wherein a subject (patient or provider) possesses no more than a sixty-day supply, and meets all the requirements listed in RCW 69.51A, the recommended response is to make an official report of the circumstances and attach copies of all required documentation.
2. If the subject has valid documentation, but exceeds the sixty day supply, the recommended response is to make an official investigative report of the circumstances, photograph the scene, take samples of the marijuana for identification, and attach copies